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Activist Prosecutor

San Francisco's U.S. Attorney Makes His Name Chasing Spies, Pot Growers and Aliens Who Vote

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SAN FRANCISCO—To his conservative partisans, Joseph P. Russoniello, the U.S. attorney for the northern district of California, is a splendid prosecutor. To detractors, he is a man insensitive to civil rights. In his nine months in office, the 41-year-old Reagan appointee has managed to attract both ire and admiration from those who have watched his performance.

He attracted international attention by acting against an alleged conspiracy to transfer IBM computer secrets to Japan, thus winning points for the Reagan administration in Silicon Valley. And he has enraged minority groups and civil-rights activists by looking for aliens among registered voters (in nine California counties) who had requested ballots in Spanish or Chinese.

The racially selective investigation, undertaken to determine whether noncitizens were voting in elections, brought the resignation of an assistant U.S. attorney, a lawsuit charging that Mr. Russoniello had violated the equal-protection clause of the Constitution, and allegations that Mr. Russoniello was intimidating minority voters.

While Mr. Russoniello has the support of his superiors at the Justice Department, he has become a target of liberals. "He might be an experienced trial lawyer," says Rep. Don Edwards of California, "but he has a lot to learn about civil rights."

Some critics, Mr. Edwards among them, say that the voter investigation is a symptom of something larger. "It's right in line with the (Reagan) administration's insensitivity to minorities," he says. "They're trying to turn the clock back on civil rights." Such charges have been denied repeatedly by the Justice Department. Rep. Peter Rodino, as chairman of the House Judiciary Committee, wrote to Attorney General William French Smith likening Mr. Russoniello's search for aliens to an inquisition.



Mr. Russoniello denies having had discriminatory motives. Indeed, the mention of discrimination induces from him stories of his own boyhood as an Italian baker's son in a lower-middle-class neighborhood of Jersey City, N.J. He says that ethnic slurs directed at Italians caused him to put his 1966 New York University law degree to use as an FBI agent. He took his first job in law enforcement, "as a purge, to lay to rest the unjust

association of Italian-Americans and the Mafia."

He spent his year with the FBI investigating the Ku Klux Klan in Mississippi. But such brushes with bigotry, if anything, stiffened his conservatism. "I'm hard-line on law-and-order issues, moderate on social issues," he says.

After his hitch with the FBI, he joined the office of the San Francisco district attorney in 1967, where he attacked prostitution and pimping in the city's Tenderloin brothel-houses, invoking California's red-light abatement law.

Moving Stories

As an assistant district attorney, he managed to win respect even from opposing counsel. "He was a formidable opponent," recalls Gilbert Eisenberg, a liberal defense attorney who often faced Mr. Russoniello in court in the early 1970s. He says Mr. Russoniello could move a jury "with poignant stories to rip your case apart."

Mr. Russoniello parlayed his trial experience on the public payroll into a job that led to a partnership in the firm of Cooley, Goddard, Castro, Huddleston & Tatum, where an associate says: "Joe was a tremendous trial lawyer. He would run from one trial to the next, and he always seemed to win."

Mr. Russoniello's winning streak suffered one expensive interruption when he ran for district attorney of San Francisco in 1979. Late entry, blunt talk and political naivete doomed his candidacy, political sources say. He spent \$40,000 of his own money, only to run a poor fourth. Voters "basically ignored me," he says.

Despite his costly loss, the race did win Mr. Russoniello something important—the notice of Republican power brokers. G. Joseph Bertain Jr., a lawyer and longtime Reagan talent-spotter says: "I'd observed Joe for 10 years, and he had impeccable credentials to be U.S. attorney."

Leaving a private law practice to take the \$57,000-a-year federal job entailed a "sacrifice of \$80,000 a year," Mr. Russoniello says. "My wife and I really thought it over." He says that they concluded: "If we didn't do it, who would?"

Once sworn in and installed in his 16th-floor federal-building quarters, Mr. Russoniello quickly won the loyalty of FBI and Customs Department agents with his zeal for hands-on investigating and his drive to prosecute.

An Active Investigator

"Some U.S. attorneys prosecute only when they're sure they'll win," says William Reagan, an FBI special agent and a friend of Mr. Russoniello's since the two were in law school together. But Mr. Russoniello will take even a difficult case "and run with it." Thomas Boyd, the special agent in charge of the U.S. Customs Office here, adds: "If I take Joe evidence and he says we can't prosecute, I know that nobody could." Mr. Reagan and Mr. Boyd both say they appreciate the prosecutor because he takes an early and active role in the investigative phase of a case and doesn't passively wait to be handed evidence.

Early in his tenure, Mr. Russoniello outlined an agenda harmonious with Reagan administration priorities; he intended to pursue high-technology theft, illicit drug traffic and voting fraud.

The FBI's undercover investigation of alleged efforts of two Japanese computer companies, Hitachi Ltd. and Mitsubishi Electric Corp., to obtain IBM computer secrets was already under way when Mr. Russoniello was sworn in. But he assumed the leadership of the cases, he says, "with a determination that I, rather than Washington, would prosecute." He has asked the Justice Department to assign seven attorneys to San Jose, in the heart of Silicon Valley. "The problem of protecting critical technology is very serious," he says.

Mr. Russoniello also is adopting a hard line on drug traffickers, and his intentions vis-a-vis the estimated 500 to 1,000 marijuana plantations of northern California are sure to be controversial. "We have a \$1.5 billion Sinsemilla industry that is untaxed, unmonitored and turning violent," he says, referring to a potent variety of marijuana grown hereabouts. His sentence against pot farmers would be equally strong: land seizure. And while that might smack of Prohibition, existing statutes provide for seizure of assets in drug cases, and the prosecutor believes it to be a strong deterrent.

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